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277c
PATENT 9200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
GILYONG CHUNG et al.

Serial No.: 09/818,193

Filed: March 26, 2001

For: INCLUSION OF NITROGEN AT THE
SILICON DIOXIDE-SILICON
CARBIDE INTERFACE FOR
PASSIVATION OF INTERFACE
DEFECTS

Group Art Unit: 2823

Examiner: Suk San Foong

Attorney Docket: 2026.000900

RECEIVED
JUL 18 2003
TECHNOLOGY CENTER 2823

**PETITION TO THE COMMISSIONER UNDER 37 C. F. R. §1.181(A) TO
WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 27 2003

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2003.

Mary Paul
Signature

Sir:

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

Pursuant to 37 C. F. R. §1.181(a), Applicants respectfully take this Petition to the Commissioner to Withdraw Holding of Abandonment Based on Failure to Receive the Office Communication mailed October 1, 2002.

Applicants further respectfully request that a new Action be mailed, and that the period for reply thereto be calculated from the mailing date of the replacement Action.

This request is timely filed within the two-month period provided for making such Petition pursuant to 37 C. F. R. §1.181(f), and Applicants believe that no fee is required for the Petition. However, should any fees under 37 C. F. R. §§ 1.16 to 1.21 be deemed necessary for

any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Williams, Morgan & Amerson, P.C., Deposit Account No. 50-0786/2026.000900.

REMARKS

Following the decision in *Delgar v. Schulyer* (172 USPQ 513, D.D.C. 1971), Applicants hereby petition to the Commissioner to withdraw holding of abandonment based on failure to receive an Office Action, request that a new Action be re-mailed, and that the period for reply to such Action be calculated from the date of mailing of the replacement Action.

M. P. E. P. § 711.03(c)(II) states in pertinent part that the Office may grant a petition to withdraw the holding of abandonment and re-mail an Office Action when an application is held abandoned for failure to prosecute under 35 U.S.C. § 133.

Pursuant to 1156 O.G. 53 (Nov. 16, 1993), the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicate that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

Applicants' undersigned representative filed on September 19, 2001 a Response to 37 C. F. R. § 153(f) Notice including therein a Change of Correspondence Address indicating that papers relating to the prosecution of the application were to be sent from that point forward to Applicants' new undersigned representative, Williams, Morgan & Amerson, P.C., 7676 Hillmont, Suite 250, Houston, TX 77040. A copy of that Change of Correspondence Address Request is attached as **Exhibit A**. The returned postcard stamped by OIPE JC48 showing a

receipt date in the Office of September 24, 2001 was received by Applicants' representative, and indicates that the paper containing the request for a Change of Correspondence Address was received in the Office. A copy of the stamped postcard is attached as **Exhibit B**.

Applicants note, however, from a facsimile dated October 23, 2002 from USPTO Electronic Business Center that the present application, Serial No. 09/818,193, as of that date was still showing as its correspondence address, that of the previous counsel, Pennie & Edmonds, LLP, 3300 Hillview Avenue, Palo Alto, CA 94304. A copy of this facsimile is attached as **Exhibit C**. Applicants promptly noted this error in address for the present application, and a facsimile sent to Mr. Tony Uranga of the Office on October 25, 2002 indicated that application Serial No. 09/818,193 should, in fact, be associated with the undersigned representative's customer number (23720) and should reflect the correct correspondence address.

From these documents, it appears that any Official Communication mailed by the Office on October 1, 2002 would have been sent to the previous counsel's address, (*i.e.*, Pennie & Edmonds in California) in error, and therefore, would not have been received by Applicants' current representative.

Since no activity had been recorded in the file for many months, on March 6, 2003, Applicants' current representative filed a Status Inquiry to determine the status of the case. The returned postcard indicated that the Status Inquiry was received at the PTO on March 26, 2003. No response was received to the Status Inquiry.

On June 20, 2003, Applicants' representative received a Notice of Abandonment mailed June 17, 2003, indicating that since no reply had been received to the outstanding Action, the case became abandoned. From that point, Applicants' representative has acted diligently to

determine that no Office Action was received by the present attorneys of record, and that no Office Action was forwarded to us by the Applicants' previously counsel in California.

CONCLUSION

In summary, Applicants' representatives have acted diligently since receiving the Notice of Abandonment, and having been made aware of the presence of a non-received outstanding Office Action, Applicants' representative has timely filed the present petition to withdraw holding of abandonment setting forth the required information. As such, Applicants have provided the required accompanying statements by the practitioners, and now respectfully request that the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action be summarily granted, that the non-received Office Action be re-mailed forthwith, and that the period for replying to the outstanding Action be restarted from the new mailing date of the replacement Action.

The Office is invited to contact the undersigned at (713) 934-4060 with any questions, comments or suggestions relating to the referenced patent application.

Date: July 9, 2003



23720

PATENT TRADEMARK OFFICE

Respectfully submitted,

Danny L. Williams

Reg. No. 31,892

WILLIAMS, MORGAN & AMERSON

10333 Richmond Dr., Suite 1100

Houston, Texas 77042

(713) 934-4060

(713) 934-7011 (facsimile)

ATTORNEY FOR APPLICANTS



CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

9/19/01
Date

Kathryn Alar
Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gilyong Chung
Chin Che Tin
John R. Williams
Kyle McDonald
Massimiliano Di Ventra
Robert A. Weller
Sokrates T. Pantelides
Leonard C. Feldman

Group Art Unit: 2812

Examiner: Unknown

Atty. Dkt. No.: 2026.000900/RCF

Serial No.: 09/818,913

Filed: 03/26/2001

For: INCLUSION OF NITROGEN AT THE
SILICON DIOXIDE-SILICON CARBIDE
INTERFACE FOR PASSIVATION OF
INTERFACE DEFECTS

CHANGE OF CORRESPONDENCE ADDRESS

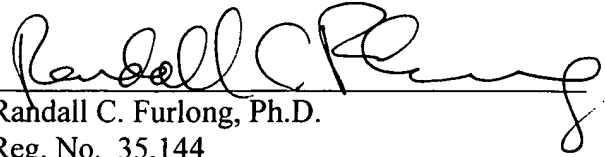
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please direct all future communications regarding this application as follows:

Randall C. Furlong, Ph.D.
WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-7061

Respectfully submitted,

A handwritten signature in cursive script, reading "Randall C. Furlong", written over a horizontal line.

Randall C. Furlong, Ph.D.
Reg. No. 35,144

WILLIAMS, MORGAN & AMERSON
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-4061

Attorney for Applicants

Date: September 19, 2001



Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New Application For:		Priority Date:	ORIGINAL
<input type="checkbox"/> Foreign priority already claimed		<input type="checkbox"/> Nonpublication Request	
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings: Sheets	
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Request for 2-month Extension of Time; Response to Notice to File Missing Parts, Declarations, Power of Attorneys, Assignments and Assignment Coversheet; Small Entity Status; Change of Correspondence Address; copy of NTFMP. Postcard			
<input checked="" type="checkbox"/> Assignment Enclosed		<input checked="" type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail:

IDENTIFICATION OF APPLICATION

Serial No.: 09/818,913	
Title: INCLUSION OF NITROGEN AT THE SILICON DIOXIDE-SILICON CARBIDE INTERFACE FOR PASSIVATION OF INTERFACE DEFECTS	
Applicant: Chung et al.	Attorney: RCF
Client: Vanderbilt University	File No.: 2026.000900
Mailed: 09/19/01	Filed: 03/26/01 Due Date: 09/19/01

customer # 23720

Patent Number	Application Number	Address	Name
6303489	09090268	5204 E BEN WHITE BLVD, M/S 562, AUSTIN, TX 78741, US ✓	RITA M WISOR, ADVANCED MICRO DEVICES INC
5926690	08864489	FRIEL, 25 METRO DRIVE SUITE 700, SAN JOSE, CA 95110, US ✓	KEN J KOESTNER, SKJERVEN MORRILL MACPHERSON FRANKLIN &
5164960	07480426	STUART STREET TOWER, ONE MARKET PLAZA, SAN FRANCISCO, CA 94105, US ✓	MICHAEL E. WOODS, TOWNSEND AND TOWNSEND
5263049	07898871	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, LLP
5257287	07620980	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, LLP
	07863991	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, LLP
5327465	07899083	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, LLP
5467369	08224946	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, LLP
5493562	08337635	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, LLP
5598418	08337633	SAN FRANCISCO, CA 941113834, US ✓	TOWNSEND AND TOWNSEND AND CREW, TWO EMBARCADERO CENTER
5694427	08391911	SAN FRANCISCO, CA 94111, US ✓	EIGHTH FLOOR
5859837	08480497	SAN FRANCISCO, CA 94111, US ✓	TOWNSEND AND TOWNSEND AND CREW, TWO EMBARCADERO CENTER
5600322	08482113	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	EIGHTH FLOOR
5673254	08483501	TWO EMBARCADERO CENTER, EIGHTH FLOOR, SAN FRANCISCO, CA 94111-3834, US ✓	TOWNSEND AND TOWNSEND AND CREW, TWO EMBARCADERO CENTER
5978853	08714558	SAN FRANCISCO, CA 94111, US ✓	EIGHTH FLOOR
5960034	08566394	EIGHTH FLOOR, SAN FRANCISCO, CA 94111, US ✓	TOWNSEND AND TOWNSEND AND CREW, TWO EMBARCADERO CENTER
	09881086	Application Not Found.	Application Not Found.
	10231561	No Customer Address Found.	No Customer Name(s) Found.
6026159	08982541	SUITE 3300, 330 NORTH WABASH AVENUE, CHICAGO, IL 606113608, US ✓	FOLEY & LARDNER
	10231910	No Customer Address Found.	No Customer Name(s) Found.
6082284	09085892	3000 Thanksgiving Tower, 1601 Elm Street, Dallas, TX 75201, US ✓	Daniel F. Perez, Garfere & Wynne, L.L.P.
D417761	29093407	7676 HILLMONT, SUITE 250, HOUSTON, TX 77040, US ✓	KENNETH D GOODMAN, WILLIAMS, MORAN & AMERSON
	09818193	3300 Hillview Avenue, Palo Alto, CA 94304, US ✓	Pennie & Edmonds, LLP
5122275	00403011	Application Not Found.	Application Not Found.
5113976	07908728	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN (STLC052), ARNOLD, WHITE & DURKEE
5395640	07918862	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN (FILE # STLC072), ARNOLD, WHITE & DURKEE
5374442	08019162	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN, ARNOLD WHITE & DURKEE
5387426	07968879	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN (FILE # STLC067), ARNOLD, WHITE & DURKEE
5378491	07918952	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN, ARNOLD WHITE & DURKEE
5376399	07883088	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN (FILE # STLC061), ARNOLD, WHITE & DURKEE
5368878	08090570	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D. GOODMAN, ARNOLD, WHITE & DURKEE
5356808	08178226	P.O. BOX 4433, HOUSTON, TX 772104433, US	PATRICIA A. KAMMERER, ARNOLD, WHITE & DURKEE
5372835	08019130	P.O. BOX 4433, HOUSTON, TX 77210, US	KENNETH D GOODMAN, ARNOLD WHITE & DURKEE
5275837	07884693	DECATUR, IL 62525, US	A. E. STALEY MANUFACTURING COMPANY, 2200 E. ELDORADO STREET

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10/23/02

Page 1



PATENT

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DEFECTS

Group Art Unit: 2823

Examiner: Suk San Foong

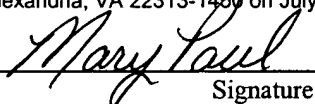
Attorney Docket: 2026.000900

**STATEMENT OF DANNY L. WILLIAMS RE
PETITION TO WITHDRAW HOLDING OF
ABANDONMENT PURSUANT TO 37 C.F.R. 1.181(f)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2003.


Signature

Sir:

1. I, DANNY L. WILLIAMS, am a practitioner of record with Customer No. 23720 having a place of employment at Williams, Morgan & Amerson, P.C., 10333 Richmond, Suite 1100, Houston, TX 77042.

2. On June 20, 2003, the docketing department of my firm received a paper mailed June 17, 2003 from the Office indicating that the present application was abandoned in view of Applicants' failure to timely file a proper reply to an official letter that was mailed by the Office on October 1, 2002.

3. On June 20, 2003, I was informed by Ms. Wendy B. Vincent, a docketing clerk in our firm, that docketing records did not show our having received any such Office Action referred to in the Notice of Abandonment.

4. A thorough search of our docketing records and the file wrapper was conducted and no copy of any such Office Action is present in any of our records.

5. A further review of the file indicated that as of October 23, 2002, the USPTO Electronic Business Center still showed the address of record for this case as Applicants' previous counsel, Pennie & Edmonds, LLP, 3300 Hillview Avenue, Palo Alto, CA 94304. As such, any Office Action or communication mailed prior to October 23, 2002 would have been mailed to the previous counsel.

6. Further examination of our records indicated that we received no correspondence from Pennie & Edmonds indicating that they had received or were forwarding to us the Office Action in question.

7. Therefore, I hereby certify that the Office Communication referred to in the Notice of Abandonment letter of June 17, 2003, dated October 1, 2002, was not received by this firm and hereby attest that a search of the file jacket and docketing records indicates that this Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed is attached hereto as Exhibit A.

8. I further certify that we did not receive any correspondence forwarded to us from the previous counsel of record that contained this Office Action or any mention thereto.

9. I declare under penalty of perjury that the foregoing is true and correct.

Date: July 9, 2003



23720

PATENT TRADEMARK OFFICE

A handwritten signature in black ink, appearing to read "Danny L. Williams", written over a horizontal line.

Danny L. Williams

Reg. No. 31,892

WILLIAMS, MORGAN & AMERSON

10333 Richmond Dr., Suite 1100

Houston, Texas 77042

(713) 934-4060

(713) 934-7011 (facsimile)

ATTORNEY FOR APPLICANTS



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
GILYONG CHUNG et al.

Serial No.: 09/818,193

Filed: March 26, 2001

For: INCLUSION OF NITROGEN AT THE
SILICON DIOXIDE-SILICON
CARBIDE INTERFACE FOR
PASSIVATION OF INTERFACE
DEFECTS

Group Art Unit: 2823

Examiner: Suk San Foong

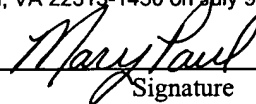
Attorney Docket: 2026.000900

**STATEMENT OF WENDY B. VINCENT RE
PETITION TO WITHDRAW HOLDING OF
ABANDONMENT PURSUANT TO 37 C.F.R. 1.181(f)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2003.


Signature

Sir:

1. I, WENDY B. VINCENT, am a docketing clerk at Williams, Morgan & Amerson, P.C., having a place of business at 10333 Richmond, Suite 1100, Houston, TX 77042.

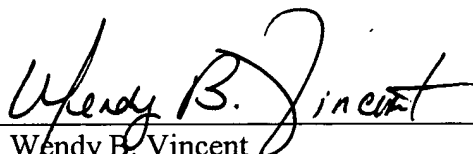
2. As part of the normal course of my employment, I routinely inspect incoming mail, including mail from the United States Patent and Trademark Office, and routinely examine and docket any matters pertaining to Patent and Trademark Office correspondence and communications.

3. I have examined our docketing database and the file wrapper for application Serial No. 09/818,193, and hereby certify that our records do not indicate that an Office communication dated October 1, 2002 was received by our firm, and that no due date for a response to any such action was entered into our docketing system.

4. I further certify that the attached printout from our docketing database indicates that the last correspondence received by us from the U.S. Patent and Trademark Office prior to October 23, 2002 was the receipt of a Corrected Assignment Recordation Form Cover Sheet, which was received on June 20, 2002.

5. I declare under penalty of perjury that the foregoing is true and correct.

Date: July 9, 2003


Wendy B. Vincent
WILLIAMS, MORGAN & AMERSON
10333 Richmond Dr., Suite 1100
Houston, Texas 77042

BC# 101918111A

BC#102058988A

ASSIGNEE: AUBURN UNIVERSITY - 2ND ASSIGNMENT

Assignee: Vanderbilt University

BC# 102058992A

Brief: Corrected Recordation Form Cover Sheet To Remove Assignor's name, Previously Recorded At Reel
012357/0616 (assignment of Assignor's Interest) R 06-20-02.

M 03-06-03 Status Inquiry; Cert. of Timely Mailing R RECEIVED
POSTCARD 4-2-03

** Inventors **

Inv Name Assigned	Gilyong Y Chung 04SE2001	Inventor	
Inv Name Assigned	Chin Che Tin 06SE2001	Inventor	
Inv Name Assigned	John R Williams 06SE2001	Inventor	
Inv Name Assigned	Kyle McDonald 21AU2001	Inventor	
Inv Name Assigned	Max Di Ventra 20AU2001	Inventor	
Inv Name Assigned	Robert A Weller 17AU2001	Inventor	
Inv Name Assigned	Socrates T Pantelides 16AU2001	Inventor	
Inv Name Assigned	Leonard C Feldman 16AU2001	Inventor	
Other No Cd Other No	Other corresp. US Serial No. 60/192,009	Other No Dt	24MR2000
Other No Cd Other No	Reel & Frame # 012357/0616 Pgs 7	Other No Dt	24SE2001
Other No Cd Other No	Reel & Frame # 012789/0026 pgs 4	Other No Dt	04AP2002
Other No Cd Other No	Reel & Frame # 012799/0316 Pgs 6	Other No Dt	26MR2002

** Other No's **** Title **

Title
INCLUSION OF NITROGEN AT THE SILICON DIOXIDE-SILICON CARBIDE
INTERFACE FOR
PASSIVATION OF INTERFACE DEFECTS